

L.L. Bean, Inc.)
Desert Road Campus)
Cumberland County)
Freeport, Maine)
A-764-71-C-R/A)

**Departmental
Findings of Fact and Order
Air Emission License**

After review of the air emissions license application, staff investigation reports and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 M.R.S.A., Section 344 and Section 590, the Department finds the following facts:

I. REGISTRATION

A. Introduction

L.L. Bean, Inc. (L.L. Bean) of Freeport, Maine has applied to renew their Air Emission License, permitting the operation of emission sources associated with their Desert Road Campus facility.

L.L. Bean has also requested that several insignificant activities be added to the License for inventory purposes, as well as the inclusion of an emergency diesel generator that was not previously licensed.

B. Emission Equipment

L.L. Bean is authorized to operate the following equipment:

Fuel Burning Equipment

<u>Equipment</u>	<u>Maximum Capacity (MMBtu/hr)</u>	<u>Maximum Firing Rate (gal/hr)</u>	<u>Fuel Type, % sulfur</u>	<u>Stack #</u>
OFC ARU #1	2.4	25.5	Propane	OFC ARU #1
OFC ARU #2	1.2	12.8	Propane	OFC ARU #2
OFC ARU #5	1.8	19.6	Propane	OFC ARU #5
OFC/S ARU #1	3.75	26.8	#2 Fuel Oil, 0.5%	OFC/S ARU #1
OFC/S ARU #2	3.75	26.8	#2 Fuel Oil, 0.5%	OFC/S ARU #2
DRS BLR #1	2.5	17.5	#2 Fuel Oil, 0.5%	DRS BLR #1
DRS BLR #2	2.5	17.5	#2 Fuel Oil, 0.5%	DRS BLR #2
OFC/WH	1.0	11.0	Propane	OFC/WH
OFC-CAT	4.20	30.00	Diesel, 0.05%	OFC-CAT

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L.L. Bean has several emission units that are considered insignificant activities. These are listed below for inventory purposes only.

Equipment ID	Maximum Capacity (MMBtu/hr)	Maximum Firing Rate (gal/hr)	Fuel Type	Stack ID
OFC ARU #3	0.80	8.70	Propane	OFC ARU #3
OFC ARU #4	0.80	8.70	Propane	OFC ARU #4
OFC ARU #6	0.80	8.70	Propane	OFC ARU #6
OFC ARU #7	0.80	8.70	Propane	OFC ARU #7
OFC ARU #8	0.80	8.70	Propane	OFC ARU #8
OFC HVAC #1	0.35	3.80	Propane	-
OFC HVAC #2	0.12	1.30	Propane	-
OFC HVAC #3	0.25	2.70	Propane	-
OFC HVAC #4	0.25	2.70	Propane	-
OFC HVAC #5	0.35	3.80	Propane	-
OFC HVAC #6	0.35	3.80	Propane	-
OFC HVAC #7	0.25	2.70	Propane	-
OFC HVAC #8	0.20	2.20	Propane	-
OFC RH-1	0.10	1.00	Propane	OFC RH-1
OFC RH-2	0.10	1.00	Propane	OFC RH-2
OFC RH-3	0.10	1.00	Propane	OFC RH-3
OFC RH-4	0.10	1.00	Propane	OFC RH-4
OFC RH-5	0.10	1.00	Propane	OFC RH-5
DRS-ONAN	0.26	2.8	Propane	-
DRR-ONAN	0.26	2.8	Propane	-
OFC-ONAN	0.50	5.40	Propane	-
DRR-CUM FP	0.84	6.00	#2 fuel oil, 0.5%	-

C. Application Classification

An existing source is considered a major source based on whether or not expected emissions exceed the “Significant Emission Levels” as given in Maine’s Air Regulations. This source is determined to be a minor source based on Maine’s Air Regulations. This application is determined to be a renewal of a minor source with a minor modification and has been processed as such.

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II. BEST PRACTICAL TREATMENT (BPT)

A. Introduction

In order to receive a license the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in Chapter 100 of the Air Regulations. Separate control requirement categories exist for new and existing equipment as well as for those sources located in designated non-attainment areas.

BPT for new sources and modifications requires a demonstration that emissions are receiving Best Available Control Technology (BACT), as defined in Chapter 100 of the Air Regulations. BACT is a top-down approach to selecting air emission controls considering economic, environmental and energy impacts.

B. Furnaces OFC ARU #1, OFC ARU #2 and OFC ARU #5

Furnaces OFC ARU #1, OFC ARU #2 and OFC ARU #5 were manufactured in 1996 and have a heat input capacity of 2.4, 1.2, and 1.8 MMBtu/hr respectively. Each fires propane.

BPT for Furnaces OFC ARU #1, OFC ARU #2 and OFC ARU #5 is the following:

- Use of propane.
- A PM BPT emission limit of 0.05 lb PM/MMBtu shall be used.
- SO₂, NO_x, CO and VOC emission rates are based on AP-42 data dated 10/96 for propane fired boilers smaller than 100 MMBtu/hr.
- Visible emissions from the stacks serving Furnaces OFC ARU #1, OFC ARU #2 and OFC ARU #5 (Stacks OFC ARU #1, OFC ARU #2 and OFC ARU #5 respectively) shall not exceed 10% opacity on a six (6) minute block average basis, except for no more than one (1) six (6) minute block average in a 3-hour period.

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C. Furnaces OFC/S ARU #1 and OFC/S ARU #2

Furnaces OFC/S ARU #1 and OFC/S ARU #2 were manufactured in 1993 and have heat input capacities of 3.75 MMBtu/hr each, firing #2 fuel oil with a maximum sulfur content of 0.5%.

BPT for OFC/S ARU #1 and OFC/S ARU #2 is the following:

- Use of 0.5% sulfur #2 fuel oil.
- SO₂, NO_x, CO and VOC emission rates are based on AP-42 data dated 10/96 for #2 fuel oil fired boilers smaller than 100 MMBtu/hr.
- Emission limits for PM are regulated by MEDEP Regulations, Chapter 103 for #2 fuel oil.
- Visible emissions from the stacks serving Furnaces OFC/S ARU #1 and OFC/S ARU #2 (Stacks OFC/S ARU #1 and OFC/S ARU #2 respectively) shall not exceed 20% opacity on a six (6) minute block average basis, except for no more than one (1) six (6) minute block average in a 3-hour period.

D. Boilers DRS BLR #1 and DRS BLR #2

Boilers DRS BLR #1 and DRS BLR #2 were manufactured in 1992 and have heat input capacities of 2.5 MMBtu/hr each, firing #2 fuel oil with a maximum sulfur content of 0.5%. They are therefore not subject to the requirements of EPA New Source Performance Standard (NSPS) 40 CFR Part 60, Subpart Dc for boilers between 10 and 100 MMBtu/hr.

BPT for Boilers DRS BLR #1 and DRS BLR #2 is the following:

- Use of 0.5% sulfur #2 fuel oil.
- A BPT PM emission limit of 0.12 lb PM/MMBtu shall be used.
- SO₂, NO_x, CO and VOC emission rates are based on AP-42 data dated 10/96 for #2 fuel oil fired boilers smaller than 100 MMBtu/hr.
- Visible emissions from the stack serving Boilers DRS BLR #1 and DRS BLR #2 (combined stack DRS#1) shall not exceed 20% opacity on a six (6) minute block average basis, except for no more than one (1) six (6) minute block average in a 3-hour period.

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E. Hot Water Heater, OFC/WH

The hot water heater, OFC/WH was manufactured in 1996 and has a heat input capacity of 1.0 MMBtu/hr firing propane. It is therefore not subject to the requirements of EPA New Source Performance Standard (NSPS) 40 CFR Part 60, Subpart Dc for boilers between 10 and 100 MMBtu/hr.

BPT for the hot water heater is the following:

- Use of propane.
- A BPT PM emission limit of 0.05 lb PM/MMBtu shall be used.
- SO₂, NO_x, CO and VOC emission rates are based on AP-42 data dated 10/96 for propane fired boilers smaller than 100 MMBtu/hr.
- Visible emissions from the stack serving the hot water heater (stack OFC/WH) shall not exceed 10% opacity on a six (6) minute block average basis, except for no more than one (1) six (6) minute block average in a 3-hour period.

F. Emergency Diesel Generator, OFC-CAT

The Emergency Diesel Generator, OFC-CAT was manufactured in 2001 and has a heat input capacity of 4.2 MMBtu/hr. It fires Diesel Fuel with a sulfur content not to exceed 0.05%.

BACT for the Emergency Diesel Generator is the following:

- The Emergency Generator shall be limited to 500 hours of operation per year. An operating log shall be kept and an hour meter operated to demonstrate compliance.
- The use of Diesel Fuel with a sulfur content not to exceed 0.05%.
- Emission limits for PM are regulated by MEDEP Regulations, Chapter 103 for Diesel Fuel.
- SO₂, NO_x, CO and VOC emission rates are based on AP-42 data dated 10/96 for Stationary Internal Combustion Engines smaller than 600 hp.
- Visible emissions from the emergency generator stack shall be limited to no more than 20% opacity on a six minute block average, except for no more than two (2) six (6) minute block averages in a 3-hour period.

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G. Annual Emission Restrictions

L.L. Bean shall be restricted to the following annual emissions, based on a 12 month rolling total:

- 150,000 gallons per year of propane. Delivery receipts shall be kept documenting quantity.
- 100,000 gallons per year of 0.5% sulfur content #2 fuel oil. Delivery receipts shall be kept documenting the quantity and sulfur content.
- The Emergency Generator OFC-CAT shall be limited to 500 hr/yr of operation and shall fire Diesel fuel with a sulfur content not to exceed 0.05%. Delivery receipts shall be kept documenting sulfur content.

Total Allowable Annual Emission for the Facility
(used to calculate the annual license fee)

Emission Units	PM	PM ₁₀	SO ₂	NO _x	CO	VOC
Propane Units	0.35	0.35	0.01	1.05	0.14	0.04
#2 Oil Units	0.84	0.84	3.53	1.00	0.25	0.03
Emergency Gen.	0.13	0.13	0.05	4.63	1.00	0.37
Total	1.32	1.32	3.59	6.68	1.39	0.44

III. AMBIENT AIR QUALITY ANALYSIS

According to the Maine Regulations Chapter 115, the level of air quality analyses required for a minor source shall be determined on a case-by case basis. Based on the information available in the file, and the similarity to existing sources, Maine Ambient Air Quality Standards (MAAQS) will not be violated by this source.

ORDER

Based on the above Findings and subject to conditions listed below, the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards,
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-764-71-C-R/A subject to the following conditions:

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- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions (Title 38 MRSA §347-C).
- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115. [MEDEP Chapter 115]
- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both. [MEDEP Chapter 115]
- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request. [MEDEP Chapter 115]
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S.A. §353. [MEDEP Chapter 115]
- (6) The license does not convey any property rights of any sort, or any exclusive privilege. [MEDEP Chapter 115]
- (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions. [MEDEP Chapter 115]
- (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request. [MEDEP Chapter 115]
- (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an

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application by the licensee for a renewal of a license or amendment shall not stay any condition of the license. [MEDEP Chapter 115]

- (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license. [MEDEP Chapter 115]
- (11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:
- A. perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
 - 1. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
 - 2. pursuant to any other requirement of this license to perform stack testing.
 - B. install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
 - C. submit a written report to the Department within thirty (30) days from date of test completion.
- [MEDEP Chapter 115]
- (12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
- A. within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and
 - B. the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and
 - C. the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate

under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.

[MEDEP Chapter 115]

- (13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement. [MEDEP Chapter 115]
- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emission and that is not consistent with the terms and conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation. [MEDEP Chapter 115]
- (15) Upon written request from the Department, the licensee shall establish and maintain such records, make such reports, install, use and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such a manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status. [MEDEP Chapter 115]

SPECIFIC CONDITIONS

- (16) Furnaces OFC ARU #1, OFC ARU #2 and OFC ARU #5

- A. Furnaces OFC ARU #1, OFC ARU #2 and OFC ARU #5 shall fire propane only. [MEDEP Chapter 115, BPT]
- B. Emissions shall not exceed the following [MEDEP Chapter 115, BPT]:

Emission Unit	PM (lb/hr)	PM₁₀ (lb/hr)	SO₂ (lb/hr)	NO_x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
OFC ARU #1	0.12	0.12	<0.01	0.36	0.05	0.01
OFC ARU #2	0.06	0.06	<0.01	0.18	0.02	0.01
OFC ARU #5	0.09	0.09	<0.01	0.27	0.04	0.01

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- C. Visible emissions from the stacks serving Furnaces OFC ARU #1, OFC ARU #2 and OFC ARU #5 (Stacks OFC ARU #1, OFC ARU #2 and OFC ARU #5 respectively) shall not exceed 10% opacity on a six (6) minute block average basis, except for no more than one (1) six (6) minute block average in a 3-hour period. [MEDEP Chapter 101]

(17) Furnaces OFC/S ARU #1 and OFC/S ARU #2

- A. Furnaces OFC/S ARU #1 and OFC/S ARU #2 shall fire #2 fuel oil with a sulfur content not to exceed 0.5%. [MEDEP Chapter 115, BPT]
B. Emissions shall not exceed the following for each furnace [MEDEP Chapter 115, Chapter 103, BPT]:

<u>Pollutant</u>	<u>Lb/MMBtu</u>	<u>lb/hr</u>
PM	0.12	0.45
PM ₁₀	-	0.45
SO ₂	-	1.89
NO _x	-	0.54
CO	-	0.13
VOC	-	0.01

- C. Visible emissions from the stacks serving Furnaces OFC/S ARU #1 and OFC/S ARU #2 (Stacks OFC/S ARU #1 and OFC/S ARU #2 respectively) shall not exceed 20% opacity on a six (6) minute block average basis, except for no more than one (1) six (6) minute block average in a 3-hour period. [MEDEP Chapter 101]

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(18) Boilers DRS BLR #1 and DRS BLR #2

- A. Boilers DRS BLR #1 and DRS BLR #2 shall fire #2 fuel oil with a sulfur content not to exceed 0.5%.
- B. Emissions shall not exceed the following for each boiler [MEDEP Chapter 115, BPT]:

<u>Pollutant</u>	<u>lb/hr</u>
PM	0.30
PM ₁₀	0.30
SO ₂	1.26
NO _x	0.36
CO	0.09
VOC	0.01

- C. Visible emissions from the stacks serving Furnaces DRS BLR #1 and DRS BLR #2 (Stacks DRS BLR #1 and DRS BLR #2 respectively) shall not exceed 20% opacity on a six (6) minute block average basis, except for no more than one (1) six (6) minute block average in a 3-hour period. [MEDEP Chapter 101]

(19) Water Heater OFC/WH

- A. The water heater shall fire propane only. [MEDEP Chapter 115, BPT]
- B. Emissions shall not exceed the following: [MEDEP Chapter 115, BPT]

Water Heater Emission Limits

<u>Pollutant</u>	<u>lb/hr</u>
PM	0.05
PM ₁₀	0.05
SO ₂	<0.01
NO _x	0.15
CO	0.02
VOC	0.01

- C. Visible emissions from the stack serving the hot water heater (stack OFC/WH) shall not exceed 10% opacity on a six (6) minute block average basis, except for no more than one (1) six (6) minute block average in a 3-hour period. [MEDEP Chapter 101]

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(20) Emergency Generator OFC-CAT

- A. The emergency generator shall be limited to 500 hr/yr of operation. An operation log shall be kept and hour meters shall be operated to demonstrate complacency. [MEDEP Chapter 115, BACT]
- B. The emergency generator shall fire diesel fuel with a sulfur content not to exceed 0.05%. Delivery receipts shall be kept documenting sulfur content. [MEDEP Chapter 115, BACT]
- C. Emissions from the emergency generator shall not exceed the following: [MEDEP Chapter 115, BACT]

<u>Pollutant</u>	<u>Lb/MMBtu</u>	<u>lb/hr</u>
PM	0.12	0.50
PM ₁₀	-	0.50
SO ₂	-	0.22
NO _x	-	18.52
CO	-	3.99
VOC	-	1.47

- D. Visible emissions from the emergency generator stack shall be limited to no more than 20% opacity on a six minute block average, except for no more than two (2) six (6) minute block averages in a 3-hour period. [MEDEP Chapter 101]

(21) L.L. Bean shall be restricted to the following annual fuel use, based on a 12 month rolling total: [MEDEP Chapter 115, BPT]

- 150,000 gallons per year of propane. Delivery receipts shall be kept documenting quantity received.
- 100,000 gallons per year of 0.5% sulfur content #2 fuel oil. Delivery receipts shall be kept documenting quantity received and sulfur content.

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(22) Payment of Annual License Fee

LL Bean shall pay the annual air emission license fee within 30 days of **May 31st** of each year. Pursuant to 38 MRSA §353-A, failure to pay this annual fee in the stated timeframe is sufficient grounds for revocation of the license under 38 MRSA §341-D, subsection 3. [38 MRSA §353-A]

DONE AND DATED N AUGUSTA, MAINE THIS DAY OF 2004.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
DAWN R. GALLAGHER, COMMISSIONER

The term of this license shall be five (5) years from the signature date above.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 1/28/2004

Date of application acceptance: 3/1/2004

Date filed with the Board of Environmental Protection: _____

This Order prepared by Jonathan Voisine, Bureau of Air Quality